

REMARKS

Summary of Office Action

Claims 1, 2, 5-16, 27, 31-39, 41, 43-46, 49, 51-54, 64, 65, 67, 72, 73, 76, 78-85, and 87-99 are pending in this application.

Upon further consideration, the Examiner withdrew the indicated allowability of claims 2, 5-16, 45, 46, 49, 51-54, 67, 72, 73, 76, and 78-85.

The Examiner has now rejected claims 45, 46, 49, 88-90, and 93-99 under 35 U.S.C. § 102(b) as being anticipated by Marchesi U.S. Patent No. 4,736,494 (hereinafter "Marchesi").

Claims 1, 2, 5-11, 15, 27-36, 39, 41, 43, 45, 46, 49, 51-54, 65, 67, 78-85, 87-90, and 93-99 were rejected under 35 U.S.C. § 102(e) as being anticipated by Herrington et al. U.S. Patent No. 6,379,363 (hereinafter "Herrington").

And dependent claims 12-14, 16, 37, 38, 44, 64, 72, 76, 91, and 92 were rejected under 35 U.S.C. § 103(a) as being obvious from Herrington.

Summary of Applicants' Reply

Applicants have amended independent claim 45 to more precisely define the invention. Dependent claims 91, 94, and 99 have been amended to conform to amended claim 45.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

Rejections of Claims Based on Herrington

Claims 1, 2, 5-11, 15, 27-36, 39, 41, 43, 45, 46, 49, 51-54, 65, 67, 78-85, 87-90, and 93-99 were rejected under 35 U.S.C. § 102(e) as being anticipated by Herrington.

Claims 12-14, 16, 37, 38, 44, 64, 72, 76, 91, and 92 were rejected under 35 U.S.C. § 103(a) as being obvious from Herrington

These rejections are respectfully traversed.

Independent claim 1 requires a “substantially smooth” extension member, and independent claims 2, 11, 27, and 45 require a “smooth” extension member.

The Examiner said “the limitation ‘substantially smooth’ or ‘smooth’ only requires an extension member that is largely but not completely smooth” (January 29, 2007 Office Action, page 4).

Applicants agree.

Herrington does not in any way disclose or suggest an extension member that is largely smooth. To the contrary, Herrington discloses a stem 16 which is almost completely covered with ridges. In particular, “between the distal end 30 and the cap 14 are a plurality of fine rectangularly-shaped annular ridges 32. ... Positioned between the cap 14 and the proximal end 28 are a plurality of coarse arcuately-shaped annular ridges 34 which form a textured engagement surface” (column 4, lines 30-37).

Herrington’s FIGS. 1 and 2 show fine ridges 32 and coarse ridges 34 covering about 95% of stem 16, with smooth cylindrical portion 36 covering only about 5% of stem 16. Herrington’s stem 16 is thus “largely ridged.”

Applicants therefore submit that Herrington’s stem 16 is not in any way “largely smooth.”

Consequently, independent claims 1, 2, 11, 27, and 45 are not anticipated by Herrington and should thus be allowable. Dependent claims 5-10, 12-16, 28-39, 41, 43, 44, 46, 49, 51-54, 64, 65, 67, 72, 76, 78-85, and 87-99, which depend from one of the independent claims, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicants respectfully request that the rejections of claims 1, 2, 5-16, 27-39, 41, 43-46, 49, 51-54, 64, 65, 67, 72, 76, 78-85, and 87-99 under 35 U.S.C. §§ 102(e) and 103(a) be withdrawn.

Rejections of Claims 45, 46, 49, 88-90, and 93-99 Under 35 U.S.C. § 102(b)

Independent claim 45 and dependent claims 46, 49, 88-90, and 93-99 were rejected under 35 U.S.C. § 102(b) as being anticipated by Marchesi.

These rejections are respectfully traversed.

Independent claim 45 is directed to a cranial flap clamp for fixing a bone flap to a skull and has been amended to more clearly define the relationship between the second clamping member and the bone flap and skull, and the relationship between the second clamping member and the extension member.

Plainly, Marchesi, which is directed to a “magnetic button for articles of clothing, leather goods, and the like” (*see* Marchesi title) does not anticipate amended claim 45.

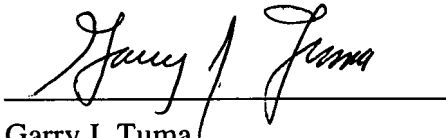
Amended independent claim 45 should now be allowable and, subsequently, dependent claims 46, 49, 88-90, and 93-99, which depend directly or indirectly from claim 45, should also now be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicants respectfully request that the rejections of claims 45, 46, 49, 88-90, and 93-99 under 35 U.S.C. § 102(b) be withdrawn.

Conclusion

The foregoing demonstrates that claims 1, 2, 5-16, 27, 31-39, 41, 43-46, 49, 51-54, 64, 65, 67, 72, 73, 76, 78-85, and 87-99 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Garry J. Tuma", is written over a horizontal line.

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